

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 14, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, April 30, 2003 Worksession.

Action: Approved as amended, (DLB/AMC, 5-0).

2. **A-5859, Appeal of Lorrie Hartwell** (Department of Permitting Services (DPS) – Revocation of Construction Permit No. 290613). Letter to the Board from William Poulos requesting to intervene.

Action: Granted request to intervene, (LLM/DLB, 5-0).

3. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board requesting that the special exceptions have been abandoned and requesting that they be revoked.

Action: Schedule Show Cause Hearing, (DLB/AIF, 5-0).

4. **CBA-1202 [CBA1202-A], Petition of Bar-T Inc.** (child day care facility). Letters to the Board from Emily J. Vaias, Esquire, submitting the 2003 Annual Report and a revised site, landscape and lighting plan. (Large exhibit: site, landscape and lighting plan).

Action: (1) Re-opened the record to include letter with attachments from Ms. Vaias and the 2003 Annual Report; (2) granted request for the relocation of the storage shed, (LLM/AIF, 5-0).

5. **CBA-2691, Petition of A. S. Callaway** (boarding house). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

6. **CBA-2841 [S-130], Petition of Rodolfo P. Ramirez, D.V.M.** (animal hospital). Letter to the Board from Susan W. Carter, Esquire, submitting a revised site plan. (Large exhibit: site plan).

Action: Re-opened the record to include letter with attachments from Ms. Carter, (AIF/AMC, 5-0).

7. **CBA-3077, Petition of Frank Bahry** (private riding stable). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (AMC/AIF, 5-0).

8. **S-31, Petition of Paul G. Dougherty, V.M.D.** (veterinary hospital). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that inspection of the special exception is no longer under the jurisdiction of Montgomery County and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DLB/LLM, 5-0).

9. **S-518, Petition of American Speech-Language-Hearing Association** (private educational institution and charitable and philanthropic institution). Letter from Jody S. Kline, Esquire, requesting reconsideration. (Large exhibits: film fest site plan and aerial photo).

Action: Denied reconsideration, (LLM/AIF, 5-0)

10. **S-538 [S-538-A], Petition of Aspen Hill Racquet Club** (private club). Letter to the Board from Robert H. Metz, Esquire, and Anne C. Martin, Esquire, requesting an administrative modification.

Action: Denied administrative modification, (DLB/AIF, 5-0).

11. **S-697, Petition of Christian Service Corps and Life International, Inc.** (eleemosynary and philanthropic institution). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter confirming that the property is owned by M-NCPPC from William E. Gries, Land Acquisition Specialist.

Action: Revoked special exception as abandoned, (LLM/AIF, 5-0).

12. **S-706, Petition of Ron Peterson** (home occupation). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

13. **S-856 [S-856-A], Petition of Friends House, Inc.** (nursing and care home). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibits: layout, overall site and landscape, lighting and sign plans).

Action: Granted administrative modification, (AIF/DLB, 5-0).

14. **S-874 [S-874-A], Petition of Pete J., Nicholas, James and Athena Strates** (horticultural nursery and commercial greenhouse). Letter to the Board from David D. Freishtat, Esquire, and Cara A. Frye, Esquire, submitting a revised lot layout plan and building elevations. (Large exhibits: lot layout plan and building elevations).

Action: Re-opened the record to include letter with attachments from Mr. Freishtat and Ms. Frye, (DLB/LLM, 5-0).

15. **S-892, Petition of David L. Abel, D.V.M.** (veterinary hospital). Letter to the Board from David L. Abel, D.V.M., requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AIF/AMC, 5-0).

16. **S-1322, Petition of Walter Bucher, Agent for First Montgomery Housing Limited Partnership** (housing and related facilities for elderly or handicapped persons). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

17. **S-1447, Petition of Frank A. Vitaliti** (accessory apartment). Letter to the Board from Michael J. and Mary E. Seville requesting to a transfer of the special exception.

Action: Granted transfer of the special exception, (DLB/LLM, 5-0).

18. **S-1481, Petition of Vajai K. Tuli** (medical clinic). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

19. **S-1761, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

20. **S-1720, Petition of Shantilal M. Thakkar** (home occupation). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/LLM, 5-0).

21. **S-2063, Petition of Myrtle S. Smith** (accessory apartment). Memorandum to the Board from Daniel McHugh, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

22. **S-2221, Petition of Twelve and Twelve Club, Inc.** (service organization). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (AIF/DLB, 5-0).

23. **S-2530, Petition of Dr. Gabriel Kengni** (accessory apartment). Letter to the Board from the petitioner requesting an administrative modification.

Action: Granted administrative modification, (DLB/LLM, 5-0).

PENDING ITEMS:

24. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.

25. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

26. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.

27. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

28. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

31. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

Board Members

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